

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN, NJ**

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RAYMOND SKELTON,

*Plaintiff,*

Case No. 3:19-cv-18597-RMB-SAK

v.

Hon. Judge Renee Marie Bumb

NEW JERSEY DEPARTMENT OF  
CORRECTIONS, et. al.

Magistrate Judge Sharon A. King

*Defendants.*

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**PLAINTIFF'S RESPONSE TO NOTICE OF CALL FOR DISMISSAL**

**NOW COMES** Plaintiff, Raymond Skelton, by and through his attorneys, and files his response to the Court's Notice of Call for Dismissal Pursuant to Fed.R.Civ.P.4(m) as follows:

1. All named Defendants were properly served with the original Complaint and Summons were returned executed for all named Defendants. [Docket Nos. 3, 4, 5; attached for convenience as Exhibits A, B, C.]

2. Subsequently, Daniel S. Shehata, Deputy Attorney General, electronically filed his Notice of Appearance with this Court in representation for all named Defendants. [Docket No. 16; attached for convenience as Exhibit D.] After

entering his appearance, Defendants' counsel received notifications of documents submitted through the court's electronic filing system.

3. Plaintiff did not name any new parties in the Amended Complaint.

4. All remaining Defendants to this action are "Doe" Defendants.

5. Plaintiff needs to hold a Rule 30(b)(6) deposition in order to obtain the information needed for said "Doe" Defendants to be named and served individually.

6. Therefore, the Amended Complaint was "a pleading filed after the original Complaint." Fed. R. Civ. P. 5(a)(1)(B).

7. Such a pleading must be served in accordance with Rule 5 of the Federal Rules of Procedure. Rule 5(b)(1) states that service must be made on the attorney. A pleading can be served by "sending it to a registered user by filing it with the court's electronic-filing system." Fed. R. Civ. P. 5(b)(2)(E). Additionally, "[n]o certificate of service is required when a paper is served by filing it with the court's electronic-filing system." Fed. R. Civ. P. 5(d)(1)(B).

8. In this case, Defendants are represented by Daniel S. Shehata, Deputy Attorney General, who has electronically filed an appearance with this Court. [Exhibit D.] Plaintiff filed the Amended Complaint through the court's electronic-filing system. [Docket No. 33; for convenience attached as Exhibit E.] Through filing with the court's electronic filing system, Plaintiff effectively served

Defendants' registered counsel in accordance with Rule 5 of the Federal Rules of Civil Procedure adequately and timely, without requiring a certificate of service.

**WHEREFORE** Plaintiff respectfully requests that this Court does not dismiss Plaintiff's Amended Complaint, as service has properly been effected in accordance with the Federal Rules of Civil Procedure.

Respectfully Submitted,

LENTO LAW GROUP, P.C.

Dated: June 24, 2022

/s/ Joseph Lento

Joseph D. Lento, Esquire

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I, Joseph D. Lento, hereby certify that on June 24, 2022, I served the foregoing document upon all parties to this action by filing this document via this Court's CM/ECF filing system, which will send a true and correct copy to all counsel of record.

/s/ Joseph Lento  
Joseph Lento